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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/007,955	12/07/2001	Abbas Arian	1391-27000	3449
23505	7590	03/29/2004	EXAMINER	
CONLEY ROSE, P.C. P. O. BOX 3267 HOUSTON, TX 77253-3267			HSIEH, SHIH YUNG	
		ART UNIT	PAPER NUMBER	
		2837		

DATE MAILED: 03/29/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)
	10/007,955	ARIAN ET AL.
	Examiner Shih-yung Hsieh	Art Unit 2837

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on ____.
- 2a) This action is **FINAL**. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-26 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) Claim(s) 1-15,17,19,25 and 26 is/are allowed.
- 6) Claim(s) 16,18,20,21,23 and 24 is/are rejected.
- 7) Claim(s) 22 is/are objected to.
- 8) Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on ____ is/are: a) accepted or b) objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. ____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) Notice of References Cited (PTO-892)
- 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date ____.
- 4) Interview Summary (PTO-413)
Paper No(s)/Mail Date ____.
- 5) Notice of Informal Patent Application (PTO-152)
- 6) Other: ____.

Art Unit: 2837

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 16, 18, 20 and 23 are rejected under 35 U.S.C. 102(b) as being anticipated by Blake (3,770,232).

Regarding claim 16, Blake discloses an apparatus comprising: a plurality of springs (56, 34) connected in series to form an elongated body (Figure); and a plurality of housings (66, 68) corresponding in number to and disposed about said springs; wherein said housing limits the axial deflection of said springs (Figure).

Regarding claim 18, Blake discloses a plurality of rod members (14, 50) axially interconnected between two springs (56, 34).

Regarding claim 20, Blake discloses said mass (24, the ring is interpreted as mass) is separated from said rod members by a layer of attenuating material (20).

Regarding claim 23, Blake discloses a circumferential gap of between 0.010 and 0.100 inches being maintained between the outside surface of said spring and the inside surface of said housing (Figure).

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and

the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claim 21 is rejected under 35 U.S.C. 103(a) as being unpatentable over Blake in view of Shah et al. (6,137,747).

Regarding claim 21, Blake discloses the claimed invention except that the springs are coated with a layer of resilient material.

Shah et al. teach coating a support sleeve surface of an acoustic transmitter with a layer of resilient material (col. 5, lines 51-55) for preserving free axial movement. It would have been obvious to one having ordinary skill in the art to modify Blake's apparatus as taught by Shah et al. to include coating the springs with a layer of resilient material for the purpose of preserving free axial movement.

5. Claim 24 is rejected under 35 U.S.C. 103(a) as being unpatentable over Blake in view of Phelps, Jr. et al. (4,062,422).

Regarding claim 24, Blake discloses the claimed invention except that the outside surface of said housings are coated with an attenuating material.

Phelps, Jr. et al. teaches an outside surface of a housing (16) is coated with an attenuating material (26, col. 1, line 50, and col. 2, line 17) for reducing acoustic noise and vibrations (col. 1, lines 13-14). It would have been obvious to one having ordinary skill in the art to modify Blake's apparatus as taught by Phelps, Jr. et al. to include the outside surface of said housings being coated with an attenuating material for the purpose of reducing acoustic noise and vibrations.

1. Claim 22 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

6. Claim 22 is allowable over the prior art for at least the reason that the prior art fails to reasonably teach or suggest said springs are helical springs as set forth in the claimed combination.

7. Claims 1-15, 17, 19, 25, and 26 are allowed.

8. Applicant's arguments filed 2/20/2004 have been fully considered but they are not persuasive.

In claim 16, the applicant recited an apparatus for attenuation an acoustic signal. This can be any apparatus having the same function. The applicant argued that Blake does not anticipate a plurality of springs connected in series to form an elongated body, and that Blake does not include a number of housings corresponding in number to the number of the springs. The examiner disagrees.

The figure in Blake's reference clearly shows a plurality of springs connected in series to form an elongated body, and a plurality of separate housings enclosing each of the springs, and certainly having the function of limiting the axial deflection of the springs. The reference read on the limitations as recited in claim 16, therefore, the rejections stand.

In response to Applicant's argument that there is no suggestion to combine the references, the Examiner recognizes that references cannot be arbitrarily combined and that there must be some reason why one skilled in the art would be motivated to make the proposed combination of primary and secondary references. *In re Nomiya*, 184 USPQ 607 (CCPA 1975). However, there is no requirement that a motivation to make the modification be expressly articulated. The test for combining references is what the combination of disclosures taken as a whole would suggest to one of ordinary skill in the art. *In re McLaughlin*, 170 USPQ 209 (CCPA 1971). References are evaluated by what they suggest to one versed in the art, rather than by their specific disclosures. *In re Bozek*, 163 USPQ 545 (CCPA) 1969. In this case, Shah is only relied upon on its teaching a layer of resilient material for preserving free axial movement, and the word "resilient" is defined as "a property of material that enables it to regain its original shape after being bent" in the Webster's II New Riverside University Dictionary. Teflon is a type of plastic and therefore, is a resilient material. Phelps, Jr. et al. is only relied upon on its teaching of an outside surface of a housing being coated with an attenuating material for reducing acoustic noise and vibrations. The combination of the references as a whole read on the claims. The rejections stand.

9. THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within

TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Shih-yung Hsieh whose telephone number is 571-272-2065. The examiner can normally be reached on 8-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert Nappi can be reached on 571-272-2071. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

syh



SHIH-YUNG HSIEH
PRIMARY EXAMINER